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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Houser)	Art Unit: 3731
)	
Serial No.: 10/659,721)	Examiner: Wiest
)	
Filed: September 9, 2003)	NEW ATTY. DOCKET: 1208.001
)	
For:)	December 15, 2006
)	750 B STREET, Suite 3120
)	San Diego, CA 92101
)	

ELECTION

Commissioner for Patents
Alexandria, VA

Dear Sir:

In response to the *second* Restriction Requirement dated December 8, 2006, Applicant elects Group II, Claims 11-27 and 38-54. Applicant further elects, from the four species listed in paragraph 9 of the Restriction Requirement, claims 16, 17, 42, and 45.

Applicant expects consistency throughout prosecution. That means that having placed a finding on the written record that the invention of Group I, despite being in the same class and subclass as Group II, is nevertheless patentably distinct therefrom, elected group II must not be rejected on prior art teaching Group I. That also means that no equivalence can be alleged between, e.g., the mandrel of Claim 17 and prior art showing any of the other non-elected, restricted-out species of reinforcing components. Likewise, prior art showing a shaft reinforcing component extending all the way through the catheter as recited in non-elected, restricted-out Claim 15 cannot be used to reject elected Claim 16. Applicant emphasizes that these findings

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of patentable distinctiveness, as much as they might later paint the examiner into a corner, nonetheless have been placed on the written record and have not been challenged by Applicant.

Respectfully submitted,



John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075
JLR:jg

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